

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	CASE NO.: 5:18-CR-182
	)	
Plaintiff,	)	JUDGE SOLOMON OLIVER, JR.
	)	
v.	)	
	)	
JOSEPH TERLIZZI,	)	<u>UNOPPOSED MOTION TO EXTEND</u>
	)	<u>TIME TO FILE NOTICE OF APPEAL</u>
Defendant.	)	

The United States of America, by and through counsel, Justin E. Herdman, United States Attorney, and Elliot Morrison, Assistant United States Attorney, hereby moves the Court to extend the time to file its notice of appeal by 30 days under Federal Rule of Appellate Procedure 4(b)(4). Undersigned counsel has conferred with counsel for Defendant Terlizzi, and Defendant does not oppose this motion.

This Court granted Defendant's motion to suppress on May 9, 2019. The government would normally have 30 days to file a notice of appeal from that order (until June 8, 2019, or June 10, 2019, the next business day). Fed. R. App. P. 4(b)(1)(B). However, "[u]pon a finding of . . . good cause, the district court may—before or after the time has expired, with or without motion and notice—extend the time to file a notice of appeal for a period not to exceed 30 days from the expiration of the time otherwise prescribed by this Rule 4(b)." Fed. R. App. P. 4(b)(4).

Good cause to extend the deadline exists here because the parties are engaged in active plea negotiations that might render the appeal a needless waste of the parties' and the courts' resources and could possibly delay the trial of the other defendants in this matter. However,

defense counsel has been engaged in a capital murder trial, and does not have sufficient time to meet with his client and fully discuss his options. Accordingly, the government submits that good cause exists to extend the time to file the notice of appeal, and moves the Court to extend the deadline by 30 days under Fed. R. App. P. 4(b)(4), with Defendant's consent.

Respectfully submitted,

JUSTIN E. HERDMAN  
United States Attorney

By: /s/ Elliot Morrison

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CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of June 2019 a copy of the foregoing document was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. All other parties will be served by regular U.S. Mail. Parties may access this filing through the Court's system.

/s/ Elliot Morrison

Elliot Morrison

Assistant U.S. Attorney